

INTRADEPARTMENTAL CORRESPONDENCE

March 25, 2020

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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING NO. 025-19

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Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 025-19. A Use of Force Review Board (UOFRB) was convened on this matter on March 10, 2020. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On June 05, 2019, Officers M. Morales, Serial No. 41121, and J. Hilliger, Serial No. 41868, Hollenbeck Area, Gang Enforcement Detail (GED), were in full uniform, driving a marked black and white police vehicle (**Additional/Equipment – Required Equipment and Readiness of Equipment**).

According to Officer Morales, he and Officer Hilliger were not regularly assigned partners but had worked together *three to five times* prior to the day of the incident. Officer Morales stated that he and Officer Hilliger had previously *discussed tactics, contact and cover* roles, as well as *weapon systems*. Officer Morales stated that *in case of any foot pursuits*, their tactical plan consisted of Officer Hilliger being the *contact* officer and him being the *cover* officer, and designated communications officer.

According to Officer Hilliger, he and Officer Morales had worked together *approximately five times* prior to the day of the incident. Officer Hilliger stated he and Officer Morales discussed *weapon systems, foot pursuits, traffic stops, ped stops, and vehicle pursuits*. As it related to foot pursuits, Officer Hilliger stated that he would be the *contact* officer due to him being the *faster* runner amongst himself and Officer Morales.

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

According to Officer Morales, he and Officer Hilliger were in the area of North Myers Street and Kearney Street due to the *high gang activity and narco activity*.² While conducting *crime suppression* in the area of North Myers Street and Kearney Street, Officer Morales *observed a Toyota Camry* and he *immediately recognized the front passenger as Jose Iribe*.³ Due to *previous contacts* with Iribe, Officer Morales was aware of *outstanding warrants for Iribe's arrest*. In addition, Officer Morales was aware that Iribe was *on formal probation for a gun*. Officer Morales *observed that the vehicle had tinted windows and conducted a U-turn*, positioning his police vehicle behind the Toyota Camry and activated the forward facing red-light on his police vehicle and siren to initiate a *traffic stop*.

According to Officer Hilliger, he and Officer Morales were in the area of North Myers Street and Kearney Street *doing gang crime suppression*. Officer Hilliger stated *it's a heavy crime area with TMC gang and TMC tagging everywhere*. Officer Hilliger stated, he and Officer Morales *were heading southbound on Myers Street* when they *observed a Toyota Camry with tinted windows* travelling North on Myers Street. Officer Morales negotiated a *U-turn* and they positioned themselves behind the Toyota Camry. Officer Hilliger conducted a Department of Motor Vehicles (DMV) vehicle inquiry and a want/warrant check on the Toyota Camry's license plate using Department resources. Officer Morales advised Officer Hilliger that *one of the subjects in the car was on probation*. Officer Hilliger *used the radio* in their police vehicle to advise Communications Division (CD) of their location. Officer Hilliger stated *the car didn't immediately stop*.

According to Officer Hilliger, when the Toyota Camry *finally parked*, Iribe *got out of the vehicle, grabbed his right waistband and took off running in a southeast direction towards the buildings* at 150 North Myers Street. Officer Hilliger pursued Iribe on foot because prior to the traffic stop, he *observed several pedestrians and other people in the area*. In addition, Officer Hilliger *gave chase in containment mode* because Officer Hilliger believed that Iribe *was armed with a firearm and was in violation of his probation*. Officer Hilliger stated that *while running, he stayed behind vehicles and took a wide angle so he had space, time, and cover* in the event that Iribe *was able to pull out a firearm*. Throughout the foot pursuit, Officer Hilliger observed Iribe running with his *left arm pumping and right arm consistently holding his right waistband*. Officer Hilliger explained he was *trying to contain Iribe to a certain area and keep eyes on Iribe* (**Debriefing Point No. 1 and Additional Tactical Debrief Topics – Tactical Communication**).

According to Officer Hilliger, approximately *10 feet after he took off from the passenger seat* of his police vehicle in pursuit of Iribe, Officer Hilliger drew his service pistol because he observed Iribe *holding his waistband* while running. Based on Officer Hilliger's *training and experience*, such situations have *led to gun recovery and gun arrests* (**Drawing/Exhibiting and Additional Tactical Debrief Topics – Running with Service Pistol Drawn**).

² The FID investigation revealed that from January 1, 2019 to the date of the incident, there were 33 coded calls, including calls related to Assault with a Deadly Weapon, Shots Fired, Robbery, Vandalism and Weapons violations. In addition, there were 47 non-coded incidents during that same time period.

³ According to the FID investigation, Iribe was a documented member of Montebello Southside gang with a moniker of "Chucky."

According to Officer Morales, the Toyota Camry *eventually comes to a stop* and Iribe exited the *front passenger seat*. Officer Morales observed Iribe *holding his waistband as he's exiting the vehicle*. Officer Morales went around his police vehicle and followed Officer Hilliger *in foot pursuit* of Iribe, in an attempt to *get eyes on, see where he goes or direction of travel* (**Additional/Equipment – Body Worn Video Activation**).

According to Officer Morales, *as soon as he broadcast a request for backup*, he drew his service pistol because he had *reasonable suspicion* based on prior knowledge *that a lot of suspects carry weapons in their waistband*, his observation that Iribe was *going for his waistband*, and his belief that Iribe *had a pistol or a gun in his waistband* (**Drawing/Exhibiting – Officer Morales' First Occurrence**).⁴

According to Officer Hilliger, Iribe ran into *the open parking lot* at 150 North Myers Street. Officer Hilliger believed that *because the parking lot was open, there may be other civilians or workers in there*. Officer Hilliger believed that *it was an open business*. Officer Hilliger observed Iribe *continue to grab his waistband* as he went behind a large green metal container located in the southwest corner of the parking lot. While Iribe was in the area of the large green metal container, Iribe *turned over his right shoulder towards Officer Hilliger and was continually grabbing his waistband*. Officer Hilliger observed Iribe moving his hand upwards *like he was trying to pull something out*. Officer Hilliger believed that Iribe *was going to pull out a gun and possibly fire*. Officer Hilliger attempted to *seek cover behind the large green metal container and the smaller green bin*. While seeking cover, Officer Hilliger *could not only hear but could also see what he believed to be two firearms thrown in the air*.⁵

Note: One firearm with a loaded magazine, a second loaded magazine, and a black glove were recovered at the location by FID investigators. There was no second firearm recovered at scene.

The FID investigation determined that Officer Hilliger gave Iribe commands on six different occasions during the foot pursuit (**Additional/Equipment – Profanity**).

According to Officer Morales, he observed Iribe *go behind the large green metal container* and then *immediately heard a big metallic sound* which *through his training and experience*, Officer Morales believed *was a gun*. Officer Morales observed *a gun over the fence along with a pair of gloves*.

According to Officer Hilliger, he observed *the firearms thrown in the air* and *heard one metallic clink in the area of the large green metal container*. Officer Hilliger notified Officer Morales *that there was a gun involved* by stating, "Gun, gun, gun." Officer Hilliger *heard another gun come over the large green metal container* where he *was able to visibly see the black firearm* which was between the large green metal container and the smaller green bin. The first object he

⁴ During the UOFRB, FID investigators presented a still photo taken from Officer Hilliger's BWV which depicted Iribe running while holding his waistband.

⁵ During the UOFRB, FID investigators presented a still photo taken from Officer Hilliger's BWV depicting the firearm in the air that had been thrown by Iribe.

saw *was a long black metallic or plastic item which he immediately believed was a gun straight up and down because it wasn't turned sideways*. Officer Hilliger observed the second item to be a *black firearm*. While looking in the direction of the gun, Officer Hilliger observed Iribe come out from behind and immediately told Iribe to get on the ground.

According to Officer Hilliger, he observed Iribe reach for the gun and could see him pick it up. While picking up the gun, Iribe pointed the muzzle of his firearm in the direction of Officer Hilliger. Believing that Iribe was going to shoot him or his partner which could cause serious bodily injury or death, Officer Hilliger was in fear for the safety of himself and his partner and fired approximately three to five rounds from his service pistol at Iribe to stop the threat. Officer Hilliger was constantly reassessing and observed the firearm in Iribe's hand while firing. Officer Hilliger stated that after the third round is when he noticed Iribe throwing the firearm over the fence and that's why he stopped firing. Officer Hilliger did not have any eminent [sic] threat and could see Iribe's hands plainly after Iribe threw the firearm over the fence. Iribe went behind a utility box on the southwest corner of the parking lot at 150 North Myers Street and Officer Hilliger lost sight of Iribe (**Lethal Use of Force**).

Note: The FID investigation revealed that Officer Hilliger fired three rounds from his service pistol. The investigation determined that 0.62 seconds elapsed between the first and final (third) gunshot.

During the UOFRB, FID investigators presented a still photo taken from Officer Hilliger's BWV which depicted Iribe reaching down to the firearm which was on the ground. The muzzle of the firearm was pointed in Officer Hilliger's direction.

According to Officer Morales, he heard Officer Hilliger shoot twice. Officer Morales stated that Officer Hilliger advised him to broadcast. As he was broadcasting the help call, Officer Morales holstered his service pistol. Officer Morales observed Iribe coming out from cover and gave Iribe commands to get on the floor. Iribe did not comply with Officer Morales' orders and kept looking back at him and his partner. Officer Morales observed a bulge in Iribe's front-left pants pocket which he believed was possibly another gun. Officer Morales drew his service pistol a second time while continuing to give Iribe commands to get on the ground. Iribe wouldn't comply (**Drawing/Exhibiting – Officer Morales' Second Occurrence**).

According to Officer Hilliger, he went to peek around the corner of the utility box just to make sure that Iribe had no other firearms because at that time, Officer Hilliger believed that Iribe was in possession of two firearms. In addition, Officer Hilliger wanted to ascertain if Iribe needed medical assistance. When he peeked around the corner of the utility box, Officer Hilliger observed Iribe's hands and started giving Iribe commands to get on the ground. Iribe started walking back toward Officers Hilliger and Morales without complying with Officer Hilliger's commands. Officer Hilliger continued to give Iribe commands to try to get him on the ground and prone himself out; however, Iribe continued to walk towards Officer Hilliger. Officer Hilliger attempted to gain distance from Iribe by moving backwards and advised Officer Morales to back up as well (**Debriefing Points No. 2 and 3**).

According to Officer Hilliger, he advised Officer Morales to deploy the TASER in order to have lethal and less-lethal force options available. Officer Hilliger warned Iribe that if Iribe did not *get on the ground* or did not *comply* he was *going to be tased*. Iribe had a *bulge in his left-front pants pocket* which Officer Hilliger *believed could be another weapon*. Iribe continued to *refuse to get on the ground and follow commands*.

According to Officer Morales, Officer Hilliger advised him to deploy the TASER. Officer Morales stated that Iribe did not comply with his orders to *get on the ground* and *kept looking back at his direction*. Officer Morales *wanted to use the element of surprise* and therefore did not give Iribe a verbal use of force warning. However, Officer Morales heard Officer Hilliger give Iribe *multiple warnings*. *Fearing that Iribe was going to rearm himself with what Officer Morales believed was a gun*, Officer Morales discharged his TASER in probe mode, aimed at Iribe's *back, to deescalate the situation (Less-Lethal Use of Force – First Discharge)*.

Note: The FID investigation determined that Officers Hilliger and Morales gave Iribe a combined total of 24 commands and three verbal partial use of force warnings, which occurred over a span of 61 seconds beginning after the OIS and prior to the discharge of the TASER by Officer Morales. **(Debriefing Point No. 4)**.

According to Officer Hilliger, he approached Iribe to take him into custody. Officer Hilliger stated that Iribe *was extremely rigid even after the TASER cycle was over*. Officer Hilliger used his *left arm to grab Iribe's left arm and pulled it behind Iribe's back*. Officer Hilliger used his *left hand and held Iribe's left wrist* while he used his *right hand* to apply a handcuff on Iribe's left wrist. Officer Hilliger used his right hand to *pull Iribe's right hand out from underneath Iribe's chest*. Officer Hilliger *switched grips* and with his left hand held Iribe's right wrist while he used his *right hand* to apply a handcuff on Iribe's right wrist **(Non-Lethal Use of Force)**.

The FID investigation determined that there were two TASER activations by Officer Morales. The second TASER activation by Officer Morales appeared to occur unknowingly while Officer Hilliger was handcuffing Iribe **(Less-Lethal Use of Force – Second Discharge)**.

Note: According to Officer Morales, he only recalled intentionally discharging the TASER one time in an effort to take Iribe into custody.

According to Officer Hilliger, he was not aware of a second TASER activation by Officer Morales when he was handcuffing the suspect. Officer Hilliger stated that he could not hear the second TASER activation and did not observe any indication from Iribe that he was being tased. After handcuffing Iribe, Officer Hilliger searched Iribe's *waistband* area. Officer Hilliger observed that Iribe was *wounded* as a result of the OIS. Concerned about Iribe's welfare, Officer Hilliger asked Officer Morales if an *ambulance* was responding and advised Iribe to *stay with us*. Officer Hilliger assisted Iribe to an upright seated position pending the arrival of additional resources. Officer Hilliger advised the arriving units of the outstanding evidence.

After Officer Hilliger placed Iribe in a seated position, approximately one minute later, Officer Hilliger advised Officer Morales to *layoff the taser*.

According to Officer Hilliger, he *could tell from Iribe's body* that Iribe was *not being tased*. Officer Hilliger *heard the taser noise* and wanted to ensure Officer Morales had *completely turned off the taser*. Officer Hilliger *did not see any indication* that Officer Morales was *continuing to activate the taser* at that point.

According to Officer Morales, he recalled Officer Hilliger advising him to *let go of the taser*, and Officer Morales said he knew his *finger was off... the taser button*.

According to Officer Morales, he broadcast a request for a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) and broadcast information regarding the outstanding Toyota Camry.

Officer C. Gamboa, Serial No. 41405, Hollenbeck Area, GED, arrived at scene in response to the back-up request and subsequent help call. While awaiting the arrival of the RA, Officer Gamboa applied his Hobble Restraint Device (HRD) around Iribe's left thigh as an improvised tourniquet, demonstrating reverence and preservation for human life. Personnel from the LAFD arrived at scene, provided emergency medical treatment to Iribe, and transported him to Los Angeles County, University of Southern California (LAC + USC) Medical Center for further treatment. **(Additional/Equipment – Body Worn Video Activation).**

During the time that Officers Hilliger and Morales were in foot pursuit of Iribe, the driver the Toyota Camry, later identified as S. Guerrero, fled the location of the initial traffic stop in the Toyota Camry. After hearing the broadcast for the outstanding Toyota Camry, Officer S. Megliorino, Serial No. 40050, and Officer A. Feria, Serial No. 39922, Hollenbeck Patrol Division, observed the Toyota Camry travelling North on Mission Road. Officers Megliorino and Feria conducted an investigative stop on the Toyota Camry and took Guerrero into custody without further incident **(Additional/Equipment – Detention Log Protocol).**

Sergeants J. Vasquez, Serial No. 30976, and L. Olea, Serial No. 35700, Hollenbeck Area, GED, arrived at the scene in response to the help call. Sergeant Vasquez obtained a Public Safety Statement (PSS) from Officer Hilliger and ensured that he was separated and monitored at scene. Sergeant Olea obtained a PSS from Officer Morales and ensured that he was separated and monitored at scene **(Additional/Equipment – Readiness of Equipment).**

Detective A. Calderon,⁶ Serial No. 30463, Hollenbeck Detective Division, took over the separation and monitoring of Officer Morales, and transported Officer Morales to Hollenbeck Community Police Station.

Detective R. Acosta,⁷ Serial No. 26780, Hollenbeck Area, Narcotics Enforcement Detail (NED), took over the separation and monitoring of Officer Hilliger, and transported Officer Hilliger to Hollenbeck Community Police Station.

⁶ Detective Calderon was a detective supervisor at the time of the incident.

⁷ Detective Acosta was a detective supervisor at the time of the incident.

Sergeant M. Sanchez, Serial No. 32705, Hollenbeck Patrol Division, arrived at scene and declared himself as the Incident Commander (IC) over the radio.

Sergeant H. Arangure, Serial No. 31707, Hollenbeck Patrol Division, arrived at the location in response to the OIS and took over command post responsibilities.

FINDINGS

Tactics – Tactical Debrief, Officers Hilliger and Morales.

Drawing/Exhibiting – In Policy, No Further Action, Officers Hilliger and Morales.

Non-Lethal Use of Force – In Policy, No Further Action, Officer Hilliger.

Less-Lethal Use of Force – In Policy, No Further Action, Officer Morales.

Lethal Use of Force – In Policy, No Further Action, Officer Hilliger.

ANALYSIS⁸

Detention

Officers Hilliger and Morales initiated a traffic stop on a Toyota Camry for tinted windows. As the Toyota Camry came to a stop, Iribe exited via the front passenger door and fled on foot while holding onto his front waistband area. Officers Hilliger and Morales initiated a foot pursuit, during which the suspect armed himself with a firearm resulting in an OIS. The actions of Officer Hilliger and Morales were appropriate and with Department policies and procedures.

Tactics

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are

⁸ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Hilliger and Morales had an established tactical plan as it pertained to foot pursuits, which included Officer Hilliger being the contact officer and Officer Morales being the cover officer, as well as designated communications officer. Due to the vehicle code violation for which Officers Hilliger and Morales were taking enforcement action, Officer Hilliger deployed his flashlight during daylight hours anticipating that he would have to look into the Toyota Camry through the tinted windows. Officers Hilliger and Morales pursued Iribe in containment mode due to him possibly being armed with a firearm. After the OIS, as Iribe started to walk towards Officers Hilliger and Morales without complying with their commands, Officers Hilliger and Morales planned to have both less-lethal and lethal force options deployed and available.

Assessment – Throughout the incident, Officers Hilliger and Morales assessed the actions of both Iribe, the passenger, and Guerrero, who was driving the Toyota Camry. The officers assessed the location where Guerrero parked the Toyota Camry and the area in which Iribe fled into. While firing three rounds from his service pistol to stop the threat, Officer Hilliger stated he continuously assessed and observed Iribe still holding onto the firearm. Officer Hilliger stated he assessed between each round that he fired to determine when Iribe no longer presented an immediate threat. While conducting an assessment after firing the third round, Officer Hilliger observed that Iribe threw the firearm over the fence and therefore Officer Hilliger stopped firing. Officers Hilliger and Morales continually assessed Iribe's actions throughout the incident. Following the handcuffing of Iribe, Officer Hilliger conducted an assessment and ensured that Iribe was in a seated recovery position due to suffering from a gunshot wound.

After Iribe was taken into custody, Officer Morales checked the vicinity for Guerrero and the Toyota Camry. Determining that the vehicle was gone, Officer Morales subsequently broadcast relevant information regarding her possible direction of travel. Upon arrival at scene, Officer Gamboa assessed Iribe's medical condition and applied his HRD to Iribe's leg to act as an improvised tourniquet and thereby render aid to Iribe in an expeditious manner.

Time – Beginning with the observation of the vehicle code violation, Officers Hilliger and Morales used time to their advantage. Even though Officer Morales had prior knowledge of Iribe and his wanted status, officers utilized their time to conduct a DMV vehicle inquiry and want/warrant check on the Toyota Camry providing them more information. Iribe escalated the incident by fleeing from the vehicle stop while armed with a firearm. Officer Hilliger attempted to de-escalate the situation by identifying himself as a peace officer and giving Iribe commands to stop and get on the ground. Prior to engaging in foot pursuit of Iribe, Officers Hilliger and Morales made a split-second decision as to which vehicle occupant they should focus their attention on. When pursuing Iribe in containment mode, Officers Hilliger and Morales used parked vehicles as cover and maintained their distance from Iribe, giving them additional time to safely resolve the incident. Officer Hilliger was aware of his surroundings and maintained his cover to avoid placing himself in immediate danger while Iribe went around the large green metal container. Iribe then further escalated the incident when he reached for the firearm after he had thrown it, pointing it in the direction of Officer Hilliger while attempting to re-arm himself.

Redeployment and/or Containment – From the initiation of the foot pursuit, Officer Hilliger exhibited awareness that Iribe was possibly armed and followed Iribe in containment mode, utilizing parked vehicles to create distance and time, thereby giving him cover. By not following Iribe behind the large green metal container and the utility box, Officers Hilliger and Morales contained Iribe's movements to the southwest corner of the open parking lot. After the OIS, as Iribe started to walk towards Officers Hilliger and Morales without complying with their commands, Officers Hilliger and Morales redeployed to create distance between themselves and Iribe. Once Iribe was in the open space, Officers Hilliger and Morales triangulated his position and established containment around him.

Other Resources – Officer Morales broadcast that he and his partner were in foot pursuit and requested a back-up. Officer Hilliger and Morales considered and deployed less-lethal force options during the encounter with Iribe. After the OIS, Officer Morales broadcast a help call requesting further assistance. The air unit, which responded to the back-up request and the subsequent help call, was instrumental in updating CD relevant to the location of vehicle stop conducted on Guerrero. Additional units responded to the location, contained the crime scene, and preserved evidence. Officer Gamboa, who responded as part of the additional units, took a prominent role in providing emergency medical treatment to Iribe until the arrival of the LAFD RA.

Lines of Communication – Officer Hilliger initiated lines of communication with Iribe as soon as Iribe fled from the Toyota Camry. Officer Hilliger identified himself as a peace officer and continued to give Iribe commands while engaged in a foot pursuit. Officer Morales used radio communication to advise CD and other units that he and his partner were in foot pursuit and after

the OIS, Officer Morales broadcast a help call. Throughout the incident, Officers Hilliger and Morales utilized open lines of communication with Iribe while faced with the challenge of his uncooperativeness. Officers Hilliger and Morales communicated with each other throughout the incident. Officer Hilliger advised Officer Morales that there was a firearm involved when he observed Iribe throw it over the large green metal container. When Iribe came out from behind the utility box, Officer Hilliger advised Officer Morales to back up creating distance between the officers and Iribe. Prior to the lethal use of force, Officer Hilliger gave Iribe commands on eight different occasions. After the OIS and prior to the discharge of the TASER, Officers gave Iribe 24 commands and three partial use of force warnings. Upon the arrival of additional units, Officer Hilliger directed them to recover evidence using open lines of communication.

The UOFRB noted, and I concur, that due to the rapidly unfolding nature of this incident, the officers had limited time to react to the deadly actions of Iribe. Officers Hilliger and Morales were required to make decisions that balanced the safety of the community, their own welfare and containment of a dangerous suspect. Officers Hilliger and Morales reacted swiftly and contained Iribe, preventing him from accessing and endangering the larger community.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Apprehension vs. Containment Mode

***Apprehension versus Containment:** There are two pursuit modes officers may use when a suspect flees on foot, apprehension mode or containment mode. Some factors that will influence an officer's decision to operate in the apprehension or containment mode are the suspect's actions, officer's experience, training, physical fitness level, location and available resources.*

During apprehension mode, officers work as a team, pursue and attempt to overtake a fleeing suspect until apprehending the suspect, making the decision to discontinue the foot pursuit or transition into containment mode. The pursuing officers should assess and communicate with each other before deciding on a course of action.

Officers may make the decision to discontinue a foot pursuit when the tactical situation deteriorates, either officer becomes injured, or effective communication ability is lost (lost or broken radio or dead spot) or at either officers' discretion. If either of the pursuing officers feels it necessary to end the pursuit, he/she must alert the partner officer quickly to avoid separation.

Generally, officers are discouraged from pursuing armed suspects on foot. Nonetheless, officers must be afforded a level of discretion regarding the appropriateness of their decision to engage in foot pursuit of an armed suspect.

If the suspect is no longer in sight or enters a structure such as a house, apartment or business, or gains a tactical advantage, officers may make the decision to continue the pursuit in containment mode while coordinating the response of additional units to establish

a perimeter. Containing a suspect in a specific area can decrease the opportunity for an ambush and will make it more likely that the suspect will be taken into custody.

When the decision is made to establish a perimeter, officers should act quickly to prevent the suspect's escape and broadcast the following:

- *General location of an incident command post (the end of pursuit location). This location can be moved later.*
- *Boundaries for the perimeter. Remember it is easier to decrease a perimeter than increase one. Initially, even general locations or instructions will suffice. (e.g. 2 blocks to South and North, 2 blocks to East and West of my location).*
- *Request for air unit to assist in establishing or adjusting the perimeter. The presence of the air unit will also encourage the suspect(s) to remain within the perimeter.*
- *Request a supervisor and the necessary resources to safely handle the incident (Los Angeles Police Department, Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).*

Pursuing Armed Suspects: *When pursuing a suspect believed to be armed, officers should generally do so in containment mode while considering the available tactical advantages, including cover and concealment where available. The goal is to maintain observation of the suspect and the tactical advantage while coordinating the response of additional units and other resources for a perimeter with the objective of containing the suspect and taking him into custody safely. The decision to pursue an armed suspect in apprehension mode may be appropriate when the suspect is at a tactical disadvantage and an arrest can be accomplished with limited risk to officers or innocent parties (Los Angeles Police Department Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).*

Officers Hilliger and Morales pursued an armed suspect while in containment mode.

Containment of an armed suspect demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution.

In this case, Officers Hilliger and Morales stated they initially followed an armed suspect in containment mode. Instead of following the same path as Iribe, both officers used parked vehicles as cover. Officers Hilliger and Morales maintained a line of sight to one another and were in close proximity to render immediate aid, if needed. When Iribe went behind the large green metal container, Officer Hilliger did not follow behind. Instead he took a position of cover behind the large green metal container and the smaller green bin maintaining a line of sight with Officer Morales. The UOFRB also examined the distance between both officers during the incident and determined that no separation occurred, either by distance or barrier.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers Hilliger and Morales' actions were reasonable and did not deviate from approved Department

tactical training. In order to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Approaching an Armed Suspect

There is an equation that saves lives: Distance + Cover = Time. Time gives officers options. Time is an essential element of de-escalation as it allows officers the opportunity to communicate with the suspect, refine tactical plans, and, if necessary, call for additional resources. Entering the suspect's space prematurely may force the suspect to take action, ultimately escalating the situation. Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate, or any similar object that prevents the assailant from reaching the officer (Los Angeles Police Department, Training Bulletin, Volume XLVI, Issue 3, Weapons Other Than Firearms, October 2017).

Officer Hilliger limited his ability to react by closing the distance between himself and Iribe, who had been observed in possession of a firearm. Officer Hilliger continued moving toward the utility box until he had a complete visual of Iribe.

When officers encounter a suspect that they believe is armed with a weapon, they are trained to place the suspect into a high-risk prone position to facilitate a safe approach to take the suspect into custody. This tactic provides the officers a tactical advantage and allows them to plan, communicate, redeploy, utilize cover, give commands and approach the suspect from a position of advantage.

According to Officer Hilliger, he could see Iribe's hands after Iribe threw the firearm over the fence and believed there was no longer an imminent threat, but Iribe moved behind a utility cabinet. Officer Hilliger was concerned Iribe may try to re-arm himself and may also need medical assistance. Officer Hilliger cleared the corner of the utility cabinet while utilizing cover when approaching Iribe. The UOFRB considered that this incident was dynamic in nature, that Officer Hilliger could see that Iribe's hands were empty and that Officer Hilliger continued to give Iribe commands as he approached Iribe to take him into custody. The UOFRB also noted Officer Hilliger's concern that Iribe may require medical attention, demonstrating a reverence for human life.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officer Hilliger's actions were reasonable and did not deviate from approved Department tactical training. In order to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 3 Utilization of Cover

Cover is defined as any object or structure that will stop the opponent's bullets. Officers should attempt to move to and use available cover when involved in any tactical situation and especially when there are weapons involved. Officers should be aware of what items in

their surrounding area can be used as cover and what type of cover is required to stop specific rounds (handgun, shotgun, or rifle rounds) (Los Angeles Police Department, Basic Firearms Manual, July 2015).

Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate or any similar object that prevents the assailant from reaching the officer. If the suspect is contained and does not pose an immediate threat to officers, the public or himself/herself, time is our best tool. Time allows more opportunity to communicate with the suspect and helps to calm the situation (Los Angeles Police Department, Training Bulletin, Volume XLVI, Issue 3, Weapons Other Than Firearms, October 2017).

Officers Hilliger and Morales did not have the benefit of cover after the use lethal force.

The utilization of cover, coupled with distance, enables an officer to confront an armed suspect while simultaneously minimizing their own exposure. As a result, the overall effectiveness of a tactical incident can be enhanced, while also increasing an officer's tactical options by using available cover.

Officers Hilliger and Morales gave Iribe multiple commands in an effort to take him into custody while they were behind cover. Iribe ignored the officers' commands and kept walking towards the officers. The officers responded by redeploying backwards. However, the officers' effective communication between each other allowed them to create distance between themselves and Iribe, providing Officers Hilliger and Morales more time to react. Once out in the open area, Officers Hilliger and Morales continued giving Iribe commands as Iribe continued to move backward and look backward toward both officers. Officers Hilliger and Morales triangulated on Iribe in an attempt to improve their tactical advantage.⁹

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers Hilliger and Morales' actions were reasonable and did not deviate from approved Department tactical training. In order to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 4 Use of Force Warning

An officer shall, when feasible, give a verbal warning prior to using the TASER to control an individual. The warning is not required when an officer is attacked and must respond to the suspect's actions. Additionally, if a tactical plan requires the element of surprise to stabilize the situation, a warning is not required. Examples of this would be a hostage situation or a subject threatening suicide. However, officers are reminded that the surprise/tactical element must still be needed at the actual time the TASER is fired. The verbal warning should include a command and a warning of potential consequences of the use of force. The

⁹ Triangulation is a tactic where officers deploy into a formation similar to the shape of a triangle or "L" to coordinate their movements and containment of a suspect.

command should be similar to “drop the weapon” or “stop what you are doing” followed by a warning similar to “or we may use the TASER, and that may cause you injury” (Los Angeles Police Department, Use of Force-Tactics Directive No. 4.5, Electronic Control Device, TASER – July 2018).

According to Officer Morales, he did not provide a less-lethal warning verbally to Iribe prior to discharging the TASER because Officer Morales heard Officer Hilliger warn Iribe multiple times that Iribe would be “tased.” Additionally, Officer Morales stated he wanted to use the “element of surprise” so Iribe would not reach for the item creating the bulge in Iribe’s left front pants pocket. Officer Hilliger did not provide a complete verbal less-lethal use of force warning prior to Officer Morales’ application of the TASER on Iribe.

In this case, Officers Hilliger and Morales provided 24 direct commands to Iribe, prior to the discharge of the TASER by Officer Morales, which the UOFRB discussed was adequate in this specific instance to satisfy the “command” portion of the less-lethal use of force warning. The UOFRB noted that Officer Hilliger warned Iribe on three separate occasions that he would be “tased.” In addition, the UOFRB considered that Iribe was already wounded as a result of the lethal use of force. The UOFRB determined that the partial verbal warning was sufficient given the perceived exigent circumstance to satisfy the use of force warning requirement.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers Hilliger and Morales’ actions were reasonable and did not deviate from approved Department tactical training. In order to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Tactical Communication – The investigation revealed that Officers Hilliger and Morales both believed that Iribe was armed with a firearm, but neither officer advised the other of their observations prior to engaging in foot pursuit. According to Officer Morales, he did not communicate to Officer Hilliger that he observed Iribe reaching for his waistband because Officer Hilliger was in the front of Officer Morales. According to Officer Hilliger, he advised Officer Morales there was a firearm involved after observing Iribe throw it in the air. Officers Hilliger and Morales are reminded of the importance of effective communication during a tactical incident to reduce possible confusion and improve operational success. I will direct this to be a topic of discussion during the Tactical Debrief.

Running with Service Pistol Drawn – Officer Hilliger engaged in a foot pursuit with his service pistol drawn. Although this was a dynamic and rapidly unfolding incident involving a suspect who appeared to be possibly armed, Officer Hilliger is reminded that there is a heightened concern for an unintentional discharge when running with a service pistol drawn. I will direct this to be a topic of discussion during the Tactical Debrief.

Command and Control

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Los Angeles Police Department, Supervisor's Field Operations Guide, Volume 2, Emergency Operations Guide).

Sergeant Olea responded to the incident with Sergeant Vasquez. Sergeant Olea approached Officer Morales and separated him from Officer Hilliger. Sergeant Olea asked Officer Morales if there were any outstanding suspects and was directed to where the Toyota Camry was last parked. Upon noticing that the Toyota Camry was no longer at the location, Sergeant Olea directed officers to extend the perimeter to contain the location of the initial traffic stop. Sergeant Olea obtained a PSS from Officer Morales. Sergeant Olea took custody of Officer Morales' BWV camera and secured it in the trunk of Sergeant Vasquez' police vehicle. Sergeant Olea continued monitoring Officer Morales. Sergeant Olea observed numerous citizens gathering and taking pictures of the police activity. Sergeant Olea directed the arriving detectives toward the citizens for potential witnesses and photographic evidence.

Sergeant Vasquez arrived at the location in response to the help call along with Sergeant Olea. Sergeant Vasquez approached Officer Hilliger and separated him from Officer Morales. After

determining that there were two crime scenes to be secured, one being the location of the OIS and other being the initial location of the traffic stop, Sergeant Vasquez took control of the OIS location. Having been informed by Officer Hilliger regarding the outstanding firearms, Sergeant Vasquez directed some of the officers at scene to look for the firearm and secure it for evidence. In addition, Sergeant Vasquez directed other officers to respond to the hospital with Iribe. Sergeant Vasquez continued to separate and monitor Officer Hilliger. Sergeant Vasquez took custody of Officer Hilliger's BWV camera and secured it. Sergeant Vasquez obtained a PSS from Officer Hilliger and continued monitoring Officer Hilliger.

Detective Calderon took over the separation and monitoring of Officer Morales, and transported Officer Morales to Hollenbeck Community Police Station.

Detective Acosta took over the separation and monitoring of Officer Hilliger, and transported Officer Hilliger to Hollenbeck Community Police Station.

Sergeant Sanchez arrived at scene and declared himself as the IC over the radio.

Sergeant Arangure arrived at the location in response to the OIS and took over command post responsibilities.

In reviewing this incident, the UOFRB noted that supervisory personnel arrived at scene following the Categorical Use of Force (CUOF). The UOFRB acknowledged the swiftness in which Sergeants Olea and Vasquez executed CUOF protocols. Sergeants Olea and Vasquez divided the large crime scene area into two components and each sergeant exerted command and control over an individual section, thereby providing for effective management of the entire scene. Upon arrival at scene, the sergeants immediately separated Officer Hilliger and Morales, assessed and managed the crime scene, and made timely notifications to the relevant entities.

The actions of Sergeants Olea, Vasquez, Sanchez, Arangure along with Detectives Calderon and Acosta were overall consistent with Department supervisory training and my expectations of field supervisors during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Officers Hilliger and Morales' tactics did not substantially deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Officers Hilliger and Morales attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control;
- Lethal Force.

General Training Update (GTU)

On June 21, 2019, Officers Hilliger and Morales attended a GTU. All mandatory topics were covered including Tactical Communication, Tactical Planning, and Contact and Cover.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified"* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80)

Officer Hilliger

According to Officer Hilliger, approximately ten feet after he took off from the passenger seat of his police vehicle, he drew his service pistol because he observed Iribe holding his waistband while running. Based on Officer Hilliger's training and experience such situations have led to firearm recoveries and firearm arrests.

Officer Hilliger recalled,

Initially, I -- I took off from my passenger seat and probably after about 10 feet after and just seeing how he was holding his waistband and knowing from training and experience and seeing it several times on my own where it led to gun recovery and gun arrest that's when I unholstered my pistol and started giving him commands.¹⁰

¹⁰ Officer Hilliger, Page 36, Lines 4-10

Officer Morales

First Occurrence

According to Officer Morales, as soon as he broadcast a request for backup he drew his service pistol because he had reasonable suspicion based on prior knowledge that a lot of suspects carry weapons in their waistband, his observation that Iribe was “going for” his waistband, and his belief that Iribe had a firearm in his waistband.

Officer Morales recalled,

As soon as I broadcast that I -- I need a backup and I put out my -- my location just knowing that he's going for his waistband and I have reasonable suspicion that just ... because of the area and -- and knowing that a lot of suspects carry weapons in their waistband ... I thought he had a -- a pistol or a gun in his -- in his waistband. I -- I unholstered and I hear ... my partner shoot twice. Partner immediately tells me to -- to broadcast so I holstered.¹¹

Second Occurrence

According to Officer Morales, he had heard Officer Hilliger discharge his service pistol twice. Officer Morales later observed Iribe coming out from cover and gave Iribe commands to get on the floor. Iribe did not comply with Officer Morales' orders and kept looking back at him and his partner. Officer Morales observed a bulge in Iribe's left, front pants pocket which Officer Morales believed was possibly another firearm and he drew his service pistol a second time while continuing to give Iribe commands to get on the ground. Iribe would not comply.

Officer Morales recalled,

...I hear my partner -- my -- my partner shoot twice... I broadcasted and I see the suspect coming out ... from cover ... he sees me giving him ... commands to get on the floor. He wouldn't comply. He kept looking back at us. I see that he had a -- a bulge, like a big bulge in his front-left pocket. I believe that it was possibly another gun so I unholstered again and gave him commands to get on the ground. He wouldn't comply.¹²

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officers Hilliger and Morales' Drawing/Exhibiting. The UOFRB noted that Iribe's actions presented a potential deadly threat to the community as well as the officers. The UOFRB conducted a diligent and individual assessment of each officer's articulation regarding their decision to use lethal force. The UOFRB considered Officers Hilliger and Morales' observations of Iribe grabbing his waistband and the officers' beliefs that Iribe was armed with a firearm based on their training and experience. The UOFRB also noted that Officer Morales' decision to

¹¹ Officer Morales, Page 8, Lines 23-25; Page 9, Lines 3-5 and 7-10

¹² Officer Morales, Page 9, Lines 8-9 and 11-18

draw his service pistol for a second time was subsequent to the escalation of the incident by Iribe where deadly force had been used.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Hilliger and Morales, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Hilliger and Morales' Drawing/Exhibiting to be In-Policy, No Further Action.

Use of Force – General¹³

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*

¹³ Special Order No. 4, 2020 – Policy on the Use of Force - Revised, was adopted by the Department on February 5, 2020, after this incident occurred.

- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Non-Lethal Use of Force

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Officer Hilliger – Physical Force, Firm Grip

According to Officer Hilliger, he approached Iribe to take him into custody. Officer Hilliger stated that Iribe was extremely rigid even after the TASER application was over. Officer Hilliger used his left arm to grab Iribe's left arm and pulled it behind Iribe's back. Officer Hilliger used his left hand and held Iribe's left wrist while he used his right hand to apply a handcuff on Iribe's left wrist. Officer Hilliger used his right hand to pull Iribe's right hand out from underneath Iribe's chest. Officer Hilliger switched grips and with his left hand held Iribe's right wrist while he used his right hand to apply a handcuff on Iribe's right wrist.

Officer Hilliger recalled,

But he was extremely rigid even after the TASER cycle was over and that's when I tried -- I got his arm with my left arm -- probably with both arms I grabbed his left arm and pulled it from behind his back, held his left wrist with my left hand and with my right hand cuffed his left wrist. I then switched my grip, had the -- my handcuff in my left hand and was able to pull his right hand out. And I switched grips and now I had my right hand on the handcuffs and was able to fully cuff him up.¹⁴

The UOFRB reviewed each application of non-lethal force by Officer Hilliger in this case and determined that the force used was reasonable based on Iribe's physical resistance. Iribe did not comply with the officers' lawful orders to submit to arrest and escalated the incident further when he did not permit Officer Hilliger to handcuff him. Having balled up fists and with his arms towards the front of his body, Iribe physically resisted Officer Hilliger, even after the use of the TASER. The UOFRB noted that the force used was not gratuitous and Officer Hilliger

¹⁴ Officer Hilliger, Page 11, Lines 18-25 and Page 12, Line 1

demonstrated restraint in his use of physical force. Throughout the incident, officers issued multiple commands to de-escalate the situation.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Hilliger, while faced with similar circumstances, would believe that the same applications of non-lethal force would be reasonable to overcome Iribe's resistance and effect his arrest.

Therefore, I find Officer Hilliger's Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

Less-Lethal Use of Force

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects.

The courts have held that Less-Lethal force options are "capable of inflicting significant pain and may cause serious injury." Therefore, consistent with the Department's Use of Force Policy, Less-Lethal force options are only permissible when:

- *An officer reasonably believes the suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.*

Less-Lethal force options shall not be used for a suspect or subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance by a suspect do not alone justify the use of Less-Lethal force.

An officer may use the TASER as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.

The optimal range for the TASER is 7-15 feet. This range gives the most effective spread of the probes to accomplish NMI [Neuro-Muscular Incapacitation] (Los Angeles Police Department, Use of Force-Tactics Directive No. 4.5, Electronic Control Device, TASER – July 2018).

Officer Morales – TASER, two five-second activations in probe-mode.

First Discharge at 16:50:05 hours

According to Officer Morales, Officer Hilliger advised him to deploy the TASER. Officer Morales stated that Iribe did not comply with his orders to get on the ground and kept looking back at his direction. Officer Morales wanted to use the element of surprise and therefore did not give Iribe a verbal use of force warning. However, Officer Morales heard Officer Hilliger give Iribe multiple warnings. Fearing that Iribe was going to re-arm himself with what Officer Morales believed was a firearm, Officer Morales discharged his TASER in probe mode and aimed at Iribe's back to de-escalate the situation.

Officer Morales recalled,

My partner told me to get the TASER and I holstered and I produced my TASER. I told him to get on the ground. I heard my partner say to -- saying that we're going to tase him. And fearing that he's going to rearm himself with the bulge that he has in his front -- I believe it was a gun -- I tasered him to deescalate the situation.¹⁵

He wasn't going around with ... commands and he kept looking back at my direction and I -- I believe that he was seeing where I was standing and then reaching for -- his pocket and shoot at us -- I heard my partner giving multiple warnings -- And I wanted to use the element of surprise. So, if -- I felt like if I gave him a -- if I told him I was going to tase him he was going to go reach -- reach for whatever he had in his front left pocket and use -- and use it on us.¹⁶

I didn't see where the darts hit but I was aiming ... for his back.¹⁷

The UOFRB deliberated at great length regarding both TASER discharges in this incident.

The UOFRB determined that the first application of less-lethal force by Officer Morales was reasonable based on Iribe's violent actions and the violent threat posed to the citizens at large, as well as the officers at scene. Iribe was armed with a firearm and fled the initial traffic stop towards an open business with multiple potential victims. Iribe then threw the firearm in the air and attempted to re-arm himself. The UOFRB noted that even after being shot and wounded, Iribe continued to defy Officers Hilliger and Morales by refusing to follow clear commands. Furthermore, the UOFRB considered Iribe's argumentative behavior during the use of force warnings and refusal to comply with commands. The UOFRB also noted that Iribe continued backing up towards the officers and kept looking around and over his shoulder repetitively, which was behavior akin to target acquisition. The UOFRB considered both officers' beliefs that Iribe was in possession of second firearm or another weapon due to the bulge observed by

¹⁵ Officer Morales, Page 9, Lines 23-25 and Page 10, Lines 1-4

¹⁶ Officer Morales, Page 20, Line 25; Page 21, Lines 1-4, 7-8 and 10-14

¹⁷ Officer Morales, Page 21, Lines 24-25

officers in Iribe's left pants pocket. The UOFRB considered that the application of the TASER, as a de-escalation tool, may have prevented a second use of lethal force.

The UOFRB also noted that while the Officer Hilliger gave Iribe a partial use of force warning, Officer Hilliger gave Iribe similar warnings on three separate occasions. In addition, the UOFRB considered that Iribe was already wounded as a result of the lethal use of force and not complying; therefore, the UOFRB opined that the officers had sufficiently met the use of force warning requirement. In addition, the officers gave Iribe 24 commands and orders following the OIS and prior to the discharge of the TASER; however, Iribe did not comply. The UOFRB also considered that Officer Morales articulated his target area for the TASER as Iribe's back, which is an optimal target area to achieve neuro-muscular incapacitation and take Iribe into custody.

With regard to the **First Discharge** of the TASER, based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Morales, while faced with similar circumstances, would believe that the same application of less-lethal force would be reasonable to protect themselves and others, and to effect Iribe's arrest.

Therefore, I find Officer Morales' Less-Lethal Use of Force of the **First Discharge** to be objectively reasonable and In Policy, No Further Action.

Second Discharge at 16:50:39 hours

According to Officer Morales, he only recalled intentionally discharging the TASER one time in an effort to take Iribe into custody.

When asked by FID investigators how many times Officer Morales had activated the taser, Officer Morales recalled,

I just pressed – pressed it once.¹⁸

And I know my finger's off the – the TASER button and like it's off so ... I'm still trying to ... turn off the button so it could stop.¹⁹

The FID investigation determined that there were two TASER activations by Officer Morales. The second TASER activation by Officer Morales occurred while Officer Hilliger was handcuffing Iribe and both TASER activations were five seconds in duration. The first activation occurred at 16:05:05 hours and the second activation occurred at 16:50:39 hours.

The UOFRB considered several factors during their assessment pertaining to Officer Morales' second TASER activation. The UOFRB reviewed Officer Morales' BWV and noted that Officer Hilliger did not appear to be aware of a second TASER activation as he was handcuffing Iribe nor did Iribe's body appear to react to being tased a second time. Furthermore, the UOFRB

¹⁸ Officer Morales, Page 16, Line 23

¹⁹ Officer Morales, Page 17, Lines 2-5 and 7

noted Officer Hilliger's statement to FID investigators indicated Officer Hilliger was unaware of a second TASER activation, did not hear a second TASER activation, and Iribe's body did not react as if he was being tased a second time.

The UOFRB consulted a Subject Matter Expert (SME) from Training Division, who was present at the UOFRB. The SME discussed both the mechanical and technical aspects of the use of the TASER and the inspection of the particular device actually used by Officer Morales. The SME reviewed the materials related to this incident and determined that the TASER appeared to be functioning properly at the time of the incident. The SME was unable to determine if the second activation of the TASER had a physical effect on Iribe. The SME was also unable to definitively determine if both probes and wires were connected to Iribe in a manner in which the TASER activation completed a connective circuit to allow for Iribe to be affected.

In addition, the UOFRB considered that Officer Morales was broadcasting pertinent information to responding units and conducting scene assessments, while also focusing his attention on Iribe and Officer Hilliger's struggle to handcuff Iribe. Additionally, the UOFRB opined that Officer Morales did not attempt to deactivate the TASER during the second discharge, seemingly unaware of it. Neither officer made any commands to Iribe, nor did they coordinate with each other during the second activation. The UOFRB opined that the lack of verbal communication between the officers and with Iribe indicated that the officers were unaware that the TASER had been activated a second time. The UOFRB determined that the second TASER activation was unintentional.

With regard to the **Second Discharge** of the TASER, based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers Morales' actions appeared to be unintentional and did not deviate from approved Department tactical training. The UOFRB and Office of Inspector General (OIG) discussed the most appropriate manner of evaluation and categorization of this less-lethal deployment issue. There was concurrence between the Chair, the UOFRB members, and the OIG, which appeared upon close scrutiny, to be an unintentional TASER discharge. Therefore, in order to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or*

hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).

Officer Hilliger – .45 caliber, three rounds, in a southerly direction from an approximate distance of 18 feet.

According to Officer Hilliger, while Iribe was in the area of the large green metal container, Iribe turned over his right shoulder towards Officer Hilliger and was continually grabbing his waistband. Officer Hilliger believed that Iribe was going to pull out a firearm and possibly fire. Officer Hilliger attempted to seek cover behind the large green metal container and the smaller green bin. While seeking cover, Officer Hilliger could not only hear but could also see what he believed to be two firearms thrown in the air. Officer Hilliger observed the firearms thrown in the air and heard one metallic clink in the area of the large green metal container. Officer Hilliger immediately notified Officer Morales that there was a firearm involved by stating "Gun, gun, gun."

According to Officer Hilliger, he heard another firearm come over the large green metal container where he was able to visibly see the black firearm which was between the large green metal container and the smaller green bin. While looking in the direction of the firearm, he observed Iribe come out from behind and immediately told Iribe to get on the ground. Officer Hilliger observed Iribe reach for the firearm and could see him pick it up. While picking up the firearm, Iribe pointed the muzzle of his firearm in the direction of Officer Hilliger. Believing that Iribe was going to shoot him or his partner which could cause serious bodily injury or death, Officer Hilliger was in fear for the safety of himself and his partner and fired approximately three to five rounds from his service pistol at Iribe to stop the threat.

According to Officer Hilliger, he was constantly reassessing and observed the firearm in Iribe's hand while firing. Officer Hilliger stated that after the third round is when he noticed Iribe throwing the firearm over the fence and that's why he stopped firing. Officer Hilliger did not have any imminent threat and could see Iribe's hands plainly after Iribe threw the firearm over the fence. Iribe went behind a utility box on the southwest corner of the parking lot at 150 North Myers Street and Officer Hilliger lost sight of Iribe.

Officer Hilliger recalled,

At that time, when he went in that area he kind of turned towards me over his right shoulder and was continually grabbing his waistband, so I thought he was going to pull out a gun and possibly fire. So, ... my mindset was ... to get cover and so I tried to seek cover behind the big green bin and that smaller green bin. And that's where I could not only hear but I could also see what I believed two firearms to be thrown in the air. When I saw ... the firearms thrown in the air I heard one metallic clink in the area of ... the bigger green bin. I believe it either went inside that bin or closer to the ... wood crates which was behind it in a southeast direction. I immediately said, "Gun, gun, gun," notifying my partner that there was a gun involved. And then after that I also heard another gun come over the green bin where I was able to visibly see the black firearm and that was in the little alleyway between the two green

bins and the ... wall of that location. At that time, I was looking at the direction of the gun and the suspect came out from behind and so I immediately told him to get on the ground and that's where the suspect went for the gun, reached for the gun and I could see him pick it up and he was picking up the gun in my direction. And that's where ... I ended up shooting multiple rounds at the suspect because I believed that he was going to shoot me or my partner which could cause serious bodily injury or death and I was in fear ... for my partner and my safety. After I fired approximately three to five rounds at the suspect I reassessed and at that time I could also see him throwing that same gun that he pointed at me or was pulling up over the fence behind him. So, at that time after he threw the gun over I ... knew I didn't have any eminent threat at that time because I could see his hands plainly but then he went behind it was like a utility cabinet type thing so I lost sight of him.²⁰

I mean I was trying to constantly reassess but at that time ... he had a gun and when after firing each round I could still see the gun and after the third one is when ... I noticed him throwing it over the fence and that's why I stopped firing because the threat to my partner and I's life ... wasn't that eminent at that time. I could see his hands and there were no weapons in his hands at that time ... That's why I stopped shooting.²¹

It's tough because at that time he was reaching over so I was just aiming for ... his waist up to his chest. I mean, he was like I said he's been overreaching for the gun and then coming up so that's just ... kind of the -- the picture I had.²²

In this case, the UOFRB conducted a thorough review of the investigation. During their review, the UOFRB took into consideration that Iribe was an active gang member known by the officers to carry firearms. In this incident, Iribe was in possession of a firearm and rapidly escalated the incident when he fled from the scene while holding his waistband. Iribe threw his firearm in the air and then attempted to re-arm himself when the firearm fell on the ground within close proximity of him.²³ Iribe had the opportunity to surrender, but instead came around the utility box towards the firearm. The UOFRB opined that Iribe was attempting to re-arm himself. Iribe picked up the firearm from the ground and pointed it in the direction of Officer Hilliger resulting in an OIS.

The UOFRB noted that Officer Hilliger continued to assess that the firearm was in Iribe's hand after firing each round and continued to fire to stop the threat. In addition, UOFRB noted that Officer Hilliger gave commands to Iribe on eight separate occasion prior to OIS. The commands ranged from Officer Hilliger identifying himself as peace officer to ordering Iribe to stop, get on the ground, and show his hands.

²⁰ Officer Hilliger, Page 9, Lines 5-25 and Page 10, Lines 1-18

²¹ Officer Hilliger, Page 25, Lines 20-25; Page 26, Lines 1-2 and 4

²² Officer Hilliger, Page 40, Lines 9-13 and 15

²³ At the UOFRB, FID investigators presented two still pictures: one depicting a firearm in the air and a second depicting Iribe grasping the previously tossed firearm off of the ground, which was pointed in Officer Hilliger's direction.

The incident rapidly escalated due to Iribe's actions. The UOFRB considered the minimal amount of time Officer Hilliger had to make decisions based on the imminent threat posed by Iribe to the officers and the surrounding business community. The UOFRB noted that Officer Hilliger articulated his perception of an immediate threat, when Iribe, armed with a firearm, pointed it in the direction of Officer Hilliger. Officer Hilliger specifically articulated his reason for the use of lethal force which was to defend himself and his partner. The UOFRB also considered Officer Hilliger's assessment of Iribe's actions between each discharged round.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Hilliger, would reasonably believe Iribe's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officer Hilliger's Use of Lethal Force to be In Policy, No Further Action.

Additional/Equipment

Required Equipment – The investigation revealed that Officers Hilliger and Morales were not equipped with their side-handle batons. Both officers had left their side-handle batons in their police vehicle during the incident. This issue was brought to the attention of Captain Stabile, Serial No. 26260, Commanding Officer, Hollenbeck Area, who advised that this issue was addressed through informal counseling. The Commanding Officer of Operations - Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

Body Worn Video Activation – The investigation revealed that Officer Morales activated his BWV camera late after the OIS as Iribe was walking back towards him and Officer Hilliger. According to Officer Morales, he attempted to activate his BWV camera as he exited his police vehicle. This issue was brought to the attention of Captain Stabile, who reviewed the circumstances of this OIS and considered the following: Officer Morales' multi-tasking of broadcasting while in a foot pursuit, tactically deploying with Officer Hilliger who had become involved in an OIS with Iribe, Iribe's continued non-compliance to Officer Hilliger's commands, and the necessity for continuous communications between himself, Officer Hilliger, and Iribe. Due to the circumstances Officer Morales was faced with and the multi-tasking during the dynamic incident, Captain Stabile recommended no further action on this late activation. Captain Stabile conducted an analysis and found that Officer Gamboa had no prior BWV issues. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that Officer Gamboa deactivated his BWV camera prior to the completion of Iribe's transport to LAC + USC while in the LAFD RA. This issue was brought to the attention of Captain Stabile, who conducted an analysis and found that Officer Gamboa had no prior BWV issues. As a result, Captain Stabile advised that this issue was addressed through informal counseling. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Profanity – The FID investigation revealed that Officer Hilliger utilized profanity during the incident while giving commands to Iribe. The profanity was a single utterance and followed after eight commands were already given to Iribe. Iribe did not comply with these commands and was believed to be armed with a firearm. This issue was brought to the attention of Captain Stabile, who advised that Officer Hilliger's use of profanity was appropriate considering the significant danger of the incident and that Officer Hilliger's de-escalation efforts appeared to have been ineffective at that point. Captain Stabile recommended no further action on this issue. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Readiness of Equipment – The investigation revealed that Sergeant Vasquez did not log on to his Mobile Digital Computer (MDC) at the Start of Watch (SOW). According to Sergeant Vasquez, the MDC was slow and did not turn on prior to the help call broadcast. Sergeant Vasquez responded to the help call without logging onto his MDC because he believed that responding promptly was his primary responsibility. This issue was brought to the attention of Captain Stabile, who advised that no further action was required. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that Officer Morales did not complete a TASER spark check at the SOW. This issue was brought to the attention of Captain Stabile, who advised that this issue was addressed through divisional training. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Detention Log Protocol – The investigation revealed that Sergeant E. De Alba, Serial No. 31350, Hollenbeck Patrol Division, did not complete two of the three check boxes on the Adult Detention Log during the inspection and interview of Guerrero. This issue was brought to the attention of Captain Stabile, who advised that this issue was addressed through divisional training. In addition, Captain Stabile stated that Hollenbeck Command will ensure that all of its supervisors are reminded of the importance of completing the Adult Detention Log. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – Hollenbeck Area police vehicles were equipped with DICVS.

Officers Hilliger and Morales' police vehicle was equipped with DICVS. The video captured the attempted traffic stop and Iribe immediately fleeing from the Toyota Camry. The video did not capture the OIS due to the location of occurrence, but it did capture the audio portion of the OIS. In addition, the video captured Guerrero fleeing the location.

Body Worn Video (BWV) – Hollenbeck Area personnel were equipped with BWV.

Officers Hilliger and Morales' BWV captured varying aspects of the foot pursuit and Iribe's actions leading up to and after to the OIS, including portions of the Less Lethal UOF and Non-Lethal UOF. The FID investigation determined that eighteen additional officers assigned to Hollenbeck Area activated their BWV cameras during their response to the OIS scene and the subsequent vehicle stop of the Toyota Camry. The BWVs were reviewed by FID investigators and found to have no investigative value, issues, or concerns.

Outside Video – Investigators from FID canvassed the area of 150 North Myers Street. The investigators located surveillance video at 1137 East First Street from the Key Company. In addition, an employee from 150 N. Myers Street, identified as "Benji," took cell phone video after the OIS, which was provided to FID.

Respectfully,


MICHEL R. MOORE
Chief of Police

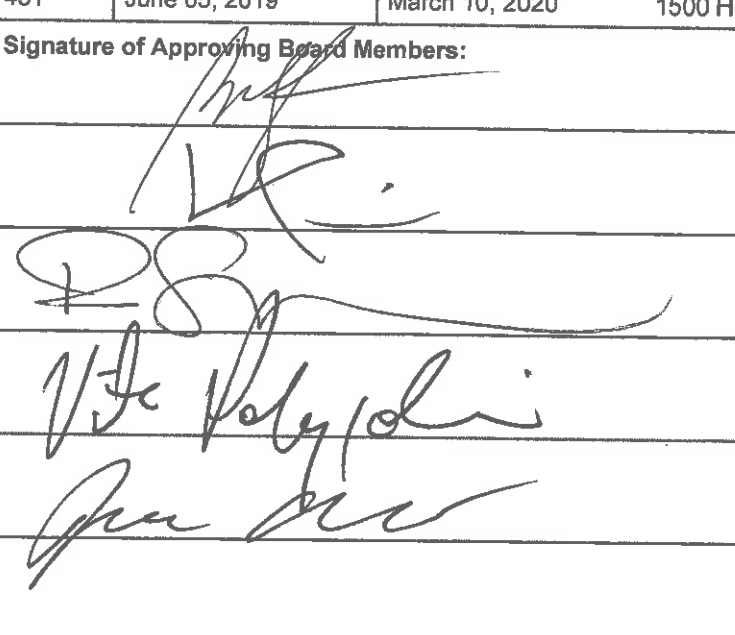
Date: _____

3-25-20

LOS ANGELES POLICE DEPARTMENT
USE OF FORCE REVIEW BOARD REPORT

INC No. 025-19	CF No.	DR No. 19-0410746
SHOOTING		

REVIEW BOARD INFORMATION

Location of Incident 150 N Myers Street, Los Angeles	RD 451	Date of Incident June 05, 2019	Date and Time of Board Review March 10, 2020 1500 Hours
Chair Assistant Chief B. Girmala, Serial No. 24916	Signature of Approving Board Members: 		
Member (Office Representative) Commander M. Rimkunas, Serial No. 32211			
Member (Police Sciences and Training Bureau) Commander R. Flores, Serial No. 30995			
Member (Bureau) Deputy Chief V. Palazzolo, Serial No. 27433			
Member (Peer) Officer J. Witty, Serial No. 30076			
Presenting Commanding Officer Captain R. Stabile, Serial No. 26260			
Notes: <div style="text-align: right;"> RECEIVED MAR 26 2020 OFFICE OF THE INSPECTOR GENERAL </div>			
Additional Considerations: <div style="text-align: right;"> S. TORRES #32569 </div>			
Modification to Present Policy, Practices or Training:			
<div style="text-align: right;"> RECEIVED POLICE COMMISS 2020 MAR 25 PM 2:03 </div> <div style="text-align: right;"> COP Date Signed: 3/25/20 PC Date Submitted: 3/25/20 </div>			

Employee (Last Name, First, Middle) Morales, Mario		Serial No. 41121	Rank/Class Police Officer II	Incident No. 025-19
Length of Employment 6 years, 11 months	Current Division Hollenbeck		Time in Current Division 2 years, 4 months	

Use of Force Review Board	Chief of Police	Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: STOPPES + 32869

STOPPES + 32869

<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed	Notes:
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***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

Employee (Last Name, First, Middle) Hilliger, Jonathan		Serial No. 41868	Rank/Class Police Officer II	Incident No. 025-19
Length of Employment 4 years, 6 months	Current Division Hollenbeck		Time in Current Division 0 years, 4 months	

Use of Force Review Board	Chief of Police	Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: STORRES #32869

<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed	Notes:
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***A Tactical Debrief shall be conducted for all Categorical Use of Force incidents.**